

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Daniel J. Stallone, Code Compliance Official: 797-1121
Mark A. Kutney, AICP, Development Services Director: 797-1101

SUBJECT: Resolution

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 03-070 FROM \$10,400.00 TO \$1,437.19; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The property owners were cited for the following violation of the Town of Davie Code:

Section 13-17: Occupational License Required

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The respondents representative agreed with the Mitigation Guidelines recommendation.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S): Pablo and Estela are both deceased. The house is vacant and no business is being conducted. The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$1,437.19 should be considered by the Town Council and the respondent/applicant given 45 days to pay the mitigated amount.

Attachment(s): Resolution, Mitigation Request Summary, Mitigation Worksheet, and Mitigation Guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 03-070 FROM \$10,400.00 TO \$1,437.19; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the attorney for the estate of Pablo M. and Estela Venero, has requested a mitigation of a Code Compliance lien from \$10,200.00 to \$1,437.19; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Section 13-17 was corrected; and

WHEREAS, the mitigation amount of \$1,437.19 is in accordance with the mitigation guidelines; and

WHEREAS, the attorney for the estate of Pablo M. and Estela Venero, and the Town of Davie Code Compliance Division are agreeable to such mitigation; and

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case 03-070 in the amount of \$10,400.00, against Pablo M. and Estela Venero, is hereby mitigated in amount to \$1,437.19.

SECTION 2. That this mitigated amount of \$1,437.19 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$1,437.19 not be paid within the specified time the lien shall revert to the original amount of \$10,400.00.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005

MITIGATION REQUEST SUMMARY

DATE: February 15, 2005

NAME: Bruce Boiko Esq. for Pablo M. and Estela Venero

ADDRESS: 5911 Cornwall Lane, Davie, FL

CASE: 03-070

SUMMARY:

Date respondent cited:	November 27, 2002
Date of Final Order:	January 10, 2003
Non-Compliance Hearing(s):	March 4, 2003
Fine/Lien(s) Imposed:	\$10,400.00

Department Guideline recommended mitigation amount:	\$ 1,437.19
Amount the respondent desires to pay:	\$ 1,437.19

The property owner was cited for the following violation of the Town of Davie Code:

Section 13-17: Occupational License Required

Pablo and Estela are both deceased. The house is vacant and no business is in operation.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$ 1,437.19 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE # 03-070**

Respondent(s): Pablo M. and Estela Venero

Address: 5911 Cornwall Lane, Davie, FL

Fine/Lien Amount: \$ 10,400.00

Mitigation Recommendation:
(as per approved mitigation guidelines)

a) 5% of \$ 10,200.00 = \$ 520.00

b) 2% of \$ 10,200.00
52 days of non-compliance
equals 2% of lien/fine per 60 days
of non-compliance = \$ 208.00

c) Mitigation Base Fee = \$ 709.19
(Town costs incurred by
Code Compliance)

Total = \$1,437.19



TOWN OF DAVIE MITIGATION GUIDELINES

FINE AMOUNT

Fine to \$10,000

\$10,000 - \$20,000

\$20,001 - \$30,000

\$30,001 - \$40,000

\$40,001 - \$50,000

\$50,001 - \$60,000

\$60,001 - \$70,000

\$70,001 - \$80,000

\$80,001 - \$90,000

\$90,001 - \$100,000

Over \$100,000

RECOMMENDATION

2.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

5.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

7.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

10.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

12.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

15.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

17.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

20.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

22.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

25.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

30.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.

This schedule would be utilized for first time violators and repeat violators.

MITIGATION BASE FEE (COST OF CASE ADMINISTRATION AND DEVELOPMENT) SHALL BE ADDED TO THE TOTAL DERIVED FROM APPLICATION OF ABOVE GUIDELINES. THE MITIGATION BASE FEE IS BASED UPON THE EXPENSES INCURRED BY TOWN EMPLOYEES AND ALL ACCOMPANYING COSTS.

MITIGATION BASE FEE* \$709.19

*Subject to revision as per current staff salaries

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